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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,440	05/15/2006	Andrew R. Butz	026032-5046	7877

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EXAMINER

PEDDER, DENNIS H

ART UNIT	PAPER NUMBER
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3612

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03/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,440	Applicant(s) BUTZ ET AL.	
	Examiner Dennis H. Pedder	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/10/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-8, 11-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is not seen how applicant had possession of the claimed "non-structural substrate carrier", given the inconsistencies of applicant's specification, explained further below.

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-8, 11-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 18 is illogical. How can a carrier having a first interface member be molded with the trim panel?
4. Independent claims are indefinite. How can one determine whether a carrier is structural on non-structural, which latter is an indefinite negative limitation? Furthermore, applicant's own specification definitions for this term are inconsistent and confusing and illogical. Applicant states that the carrier is non-structural as it is not capable of transferring loads. However, the

carrier has loading from the trim panel in transit, and moreover has integral impact absorbers thereon, the purpose of which is to absorb impact **loading**. Moreover, applicant discloses that the module, including the carrier and trim panel, also includes "any of a variety of door related components coupled to the carrier 14 (e.g., pull cup, wire harness 18, window regulator system 20, a speaker 22, and the like" (paragraph [0021] . All of these components, particularly the pull cup and window regulator system transfer loads to the carrier. Hence, the claims are defective and applicant's arguments regarding the references applied thereto are ineffective.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 11, 13, 14 are rejected under 35 U.S.C. 102(a or e) as being anticipated by Kirejczyk.

See column 4, lines 14-22 and column 3, line 49.

As to claim 14, conventional manner of column 3, line 61, includes a pin on the trim panel and an aperture on the carrier.

Moreover, Kirejczyk discloses that the carrier may be constructed of a plastic material as disclosed for applicant's carrier.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 11, 13, 14 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Kirejczyk.

6. Paragraph 2 above is incorporated by reference. Regarding applicant's indefinite terminology "non-structural", it is not a patentable distinction to reduce the strength of a member to save weight, for example and thus reduce the maximum load that a member can withstand.

7. Claims 12, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirejczyk.

Kirejczyk discloses the step of removing the trim panel and installing the carrier. Placing the trim panel on a holding fixture during the carrier installation is an obvious expedient to one of ordinary skill in the art.

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Applicant may seasonally challenge, for the official record in this application, this and any other statement of judicial notice in timely manner in response to this office action. Please specify the exact statement to be challenged. Applicant is reminded, with respect to the specific challenge put forth, of the duty of disclosure under Rule 56 to disclose material which is pertinent to patentability including claim rejections challenged by applicant.

8. Claims 1-6, 8, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirejczyk in view of Kameyama.

As stated above, an injection molded carrier is not structural. Kameyama teaches a one piece interface member 5 formed with the trim panel. Processes are not given patentable weight in a product claim (MPEP 2113), but plastic articles are commonly molded. It would have been obvious to one of ordinary skill to provide in Kirejczyk a carrier interface member 3 and door trim interface member 5 as taught by Kameyama has an example of the conventional attachment disclosed by Kirejczyk.

As to claim 3, the juncture of 2 and 3 of Kameyama is U-shaped. Further, U-shaped retainers for hooks are of common knowledge in the art.

As to claim 6, see remarks above.

As to claim 8, Kirejczyk discloses an armrest support bracket 68. Pull cups are conventionally mounted on armrests, hence member 68 is a conventional pull cup support.

9. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kirejczyk in view of Kameyama as applied to claim 1 above, and further in view of Yazaki Corp, cited by applicant as "Kawamata".

It would have been obvious to one of ordinary skill to provide in the references above impact absorbers as taught by Yazaki Corp. in order to reduce injury.

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10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kirejczyk in view of Nishikawa et al.

It would have been obvious to one of ordinary skill to provide in Kirejczyk in integral impact absorber 16 as taught by Nishikawa et al. in order to reduce injury.

11. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirejczyk in view of Nishikawa et al. as applied to claim 15 above, and further in view of Kameyama.

It would have been obvious to one of ordinary skill to provide in the references above retainers as taught by Kameyama in order to easily attach and remove the trim panel and carrier.

12. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirejczyk in view of Nishikawa et al. as applied to claim 15 above, and further in view of Yazaki Corp.

It would have been obvious to one of ordinary skill to provide in Kirejczyk as modified by Nishikawa et al., with an integral impact absorber, with both upper and lower absorbers as taught by Yazaki Corp. in order to improve protection.

As to claims 20-21, both Nishikawa et al. and Yazaki Corp. detail wall projections.

As to claim 22, see claim 8 above.

Response to Arguments

Applicant's arguments filed 1/18/2008 have been fully considered but they are not persuasive. Please see the response above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis H. Pedder whose telephone number is (571) 272-6667. The examiner can normally be reached on 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dennis H. Pedder/
Primary Examiner, Art Unit 3612

Dennis H. Pedder
Primary Examiner
Art Unit 3612

DHP
3/10/2008